

HOUSE BILL No. 1538

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-21-3-4; IC 16-34.5; IC 25-22.5-8-5; IC 35-46-5-2; IC 35-46-5-3.

Synopsis: Human cloning. Declares that cloning is against public policy. Prohibits the state and a political subdivision of the state from using resources to knowingly participate in cloning activities. Requires the state department of health to revoke the license of a hospital that knowingly allows cloning activities. Requires the medical licensing board to revoke the license of a physician who knowingly participates in human cloning. Makes the unlawful participation in human cloning a Class D felony. Makes the purchase or sale of a human ovum, zygote, embryo, or fetus a Class C felony.

Effective: Upon passage.

Welch, Heim, Thompson, Koch

January 16, 2003, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1538

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-56.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 56.5. (a) "Cloning" means the**
4 **use of asexual reproduction to create or grow a human embryo**
5 **from a single cell or cells of a genetically identical human.**

6 **(b) The term does not include a treatment or procedure to**
7 **enhance human reproductive capability through the manipulation**
8 **of human oocytes or embryos, including the following:**

9 **(1) In vitro fertilization.**

10 **(2) Gamete intrafallopian transfer.**

11 **(3) Zygote intrafallopian transfer.**

12 SECTION 2. IC 16-18-2-183.5 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: **Sec. 183.5. "Human embryo"**
15 **means a human egg cell with a full genetic composition capable of**
16 **differentiating and maturing into a complete human being.**

17 SECTION 3. IC 16-21-3-4 IS ADDED TO THE INDIANA CODE



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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. Notwithstanding section 1 of this chapter, the state department shall revoke the license of a hospital licensed under this article if the state health commissioner proves by a preponderance of the evidence that the hospital:**

(1) knowingly allows the hospital's facilities to be used for cloning or attempted cloning; or

(2) knowingly allows the hospital's employees, in the course of the employee's employment, to participate in cloning or attempted cloning.

SECTION 4. IC 16-34.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 34.5. CLONING

Chapter 1. Public Policy Against Cloning

Sec. 1. The general assembly declares that cloning is against public policy.

Sec. 2. Neither the state nor any political subdivision of the state may use public funds, facilities, or employees to knowingly participate in cloning or attempted cloning.

SECTION 5. IC 25-22.5-8-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.**

(b) Notwithstanding IC 25-1-9, the board shall revoke the license of a physician if, after appropriate notice and an opportunity for a hearing, the attorney general proves by a preponderance of the evidence that the physician knowingly participates in cloning or attempted cloning.

SECTION 6. IC 35-46-5-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.**

(b) A person who knowingly or intentionally:

(1) participates in cloning;

(2) implants or attempts to implant the product of human cloning into a uterine environment to initiate a pregnancy; or

(3) ships or receives the product of human cloning for the purpose of implanting the product into a uterine environment to initiate a pregnancy;

commits unlawful participation in human cloning, a Class D felony.

SECTION 7. IC 35-46-5-3 IS ADDED TO THE INDIANA CODE

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1 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: **Sec. 3. A person who knowingly or intentionally**
3 **purchases or sells a human ovum, zygote, embryo, or fetus commits**
4 **unlawful transfer of human organisms, a class C felony.**
5 SECTION 8. **An emergency is declared for this act.**

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